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Date: April 23, 2010

/Robin Wardzala/

Robin Wardzala

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Applicant(s): Frederick M. Discenzo, *et al.*

Examiner: Carlos R. Ortiz Rodriguez

Serial No: 10/674,966

Art Unit: 2123

Filing Date: September 30, 2003

Conf. No: 4946

Title: SYSTEM AND METHOD FOR DYNAMIC, MULTI-OBJECTIVE  
OPTIMIZATION OF MACHINE SELECTION, INTEGRATION AND  
UTILIZATION

**Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450**

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**TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321**

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Dear Sir:

I, Himanshu S. Amin, represent that I am an attorney of record for U.S. Patent Application Serial No. 10/674,966, filed September 30, 2003, and entitled, "SYSTEM AND METHOD FOR DYNAMIC, MULTI-OBJECTIVE OPTIMIZATION OF MACHINE SELECTION, INTEGRATION AND UTILIZATION" The owner, Rockwell Automation, Inc., of 100 percent interest in the above-identified application hereby disclaims, except as provided below, the terminal part of any patent granted on the

above-identified patent application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 and 173 of U.S. Patent No. 6,847,854, U.S. Patent No. 7,050,873, and U.S. Patent 7,143,016 as presently shortened by any terminal disclaimer, and it is hereby agreed that any patent so granted on the above-identified patent application shall be enforceable only for and during such period that said patent is commonly owned with U.S. Patent No. 6,847,854, U.S. Patent No. 7,050,873, and U.S. Patent 7,143,016, this agreement to run with any patent granted on the above-identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim any terminal part of any patent granted on the above-identified patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of U.S. Patent No. 6,847,854, U.S. Patent No. 7,050,873, and U.S. Patent 7,143,016, as presently shortened by any terminal disclaimer in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by a terminal disclaimer, except for the separation of legal title stated above.

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Respectfully submitted,

TUROC & WATSON, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

TUROC & WATSON, LLP  
127 Public Square  
57<sup>th</sup> Floor, Key Tower  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731